IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No :1867 of 2002

Dated: 04.07.2007

Between:
G.Gurivi Reddy

..... PETITIONER

AND

1. The Superintending Engineer (Assessments)
   Southern Power Distribution Company of
   A.P. Ltd., Tirupathi, Chittoor District
   and 2 others …RESPONDENTS

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.1867 of 2002

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not providing reconnection to service connection No.9817 and 14170 of the petitioner at D.No.26/1, Vasanthapet, Proddatur, Cuddapah District by demanding to pay Rs.68,266/- as per the Lr.No.AAE/O/W/PDR/E/D.No.49/02 dated 16.01.2002 issued by the 3rd respondent as illegal and arbitrary and consequently sought a direction to the respondents to provide re-connection to the said service connection by setting aside the order of the 3rd respondent dated 16.01.2002.

The case of the petitioner is that he is having service connection Nos.9817 and 14170 from the respondent Corporation. It is stated that the respondents have registered an

electricity theft case against the petitioner with respect to service connection No.14170 assessing at Rs.68,226/-. It is further stated that the portion bearing service connection No.14170 was let out to Silk Yarn Sales Centre, Proddatur and that the respondents cannot register a criminal case against the petitioner being the owner of the said premises. It is stated that even though the petitioner paid the 1st instalment, the 3rd respondent is not giving the power connection to both the service connections. Since the 3rd respondent by order dated 16.01.2002 is demanding to pay a sum of Rs.68,226/- for giving re-connection of power supply, the petitioner filed the present writ petition.

A counter-affidavit has been filed by the respondents contending that in case the petitioner is aggrieved, he has to prefer an appeal over the assessment made in respect of HSC No.14170 after payment of the demanded sum and he is not expected to evade payment of the arrears of theft of energy of Rs.68,226/- and other amounts for restoration of power supply to his service connections. It is further contended that the petitioner without exhausting the remedy of appeal provided under the statute, filed this writ petition and the same is liable to be dismissed.

Having heard the learned Counsel appearing on both sides, it is clear that against the impugned order passed by the 3rd respondent, a statutory appeal is provided. It is well settled that without exhausting the alternative remedy of statutory appeal, the petitioner cannot be permitted to approach this Court directly under Article 226 of the Constitution of India. I find no merit in this writ petition.

The writ petition is accordingly dismissed. No costs.

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(GOPALA KRISHNA TAMADA, J)

04-07-2007
Gsn.